

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MORTGAGE ELECTRONIC
REGISTRATION SYSTEM, INC.,

Plaintiff,

v.

WALID K. JINDO and AMY JINDO

Defendants.

CIVIL ACTION NO. 10-11162

DISTRICT JUDGE DENISE PAGE HOOD

MAGISTRATE JUDGE MARK A. RANDON

**REPORT AND RECOMMENDATION TO GRANT
PLAINTIFFS' MOTION FOR ENTRY OF DEFAULT JUDGMENT (DKT. NO. 11)**

This matter is before the Court on Plaintiff's Motion for Entry of Default Judgment Against Defendants Walid and Amy Jindo ("Defendants") (Dkt. No. 11). The motion was referred to the undersigned for a hearing and determination pursuant to 28 U.S.C. § 636(b)(1)(B) (Dkt. No. 15). Defendants were personally served with a Summons and Complaint in this matter on March 29, 2010 (Dkt. No. 5). Defendants have not appeared in this matter; nor did they file a response to the motion or appear for the hearing held on June 29, 2010. The Clerk entered default against Defendants on April 29, 2010 (Dkt. No. 7). Plaintiff also requested that Old Republic National Title Insurance Company be substituted as Plaintiff in this matter. For the reasons set forth below, it is

RECOMMENDED that Judgment enter on behalf of **Old Republic National Title Insurance Company** against **Defendants** in the total amount of **\$86,970.44**.¹

The undersigned has reviewed Plaintiff's request for default judgment with Plaintiff's counsel on the record and is satisfied of the following in accordance with Fed. R. Civ. P. Rule 55(b)(2):

- A. that Plaintiff's claim is for a sum certain;
- B. that the individual defendants are not minors and are not incompetent; and
- C. that Defendants have not appeared personally or by counsel.

RECOMMENDATION

Accordingly, it is RECOMMENDED that the District Judge:

- A. Enter Judgment in favor of **Old Republic National Title Insurance Company** against Defendants – jointly and severally – in the total amount of \$86,970.44 as these damages are a sum certain; and
- B. Order that jurisdiction of this matter be retained pending compliance with the Court's orders.

The parties to this action may object to and seek review of this Report and Recommendation, but are required to act within fourteen (14) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Secretary of HHS*,

¹ A district court in the Sixth Circuit has found that a motion for default judgment is dispositive. *Victoria Secret Stores v. Artco Equipment Co.*, 194 F.Supp.2d 704, 714 (S.D. Ohio 2002) (because motion for default judgment is dispositive, magistrate judge may issue only proposed findings and recommended dispositions.)

932 F.2d 505, 508 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

The filing of objections which raise some issues, but fail to raise others with specificity, will not preserve all the objections a party might have to this Report and Recommendation. *Willis v. Secretary of HHS*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this magistrate judge.

Within fourteen (14) days of service of any objecting party's timely filed objections, the opposing party may file a response. The response shall be no more than 20 pages in length unless, by motion and order, the page limit is extended by the court. The response shall address each issue contained within the objections specifically and in the same order raised.

s/Mark A. Randon
MARK A. RANDON
UNITED STATES MAGISTRATE JUDGE

Dated: June 30, 2010

Certificate of Service

I hereby certify that a copy of the foregoing document was served on the parties of record on this date, June 30, 2010, by electronic and/or first class U.S. mail.

s/Melody R. Miles
Case Manager to Magistrate Judge Mark A. Randon
(313) 234-5542